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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,349	03/15/2001	John Tree	SOA-336	3465

23353 7590 06/07/2004

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

KING, JUSTIN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/07/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/808,349

Applicant(s)

TREE ET AL.

Examiner

Justin I. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Notarianni (U.S. Patent No. 5,586,002).

Referring to claim 1: Notarianni discloses a case for an electronic device (figure 3, structure 30) comprising a first protective material (figure 3, structure 4) that maintains said electronic device within said case; at least one controlling interface (figure 3, structure 20), in electrical communication with said electronic device, and disposed on said first protective material, through which said user can operate an electronic feature of said electronic device, and the said controlling interface is used as an upgraded set of controls. Hence, claim is anticipated by Notarianni.

Referring to claim 3: Notarianni discloses the connection port (figure 3, structure 42), attached to said first protective material, for transferring electrical signals between said electronic device and said controlling interface.

Referring to claim 4: Notarianni discloses an electrical output jack (figure 3, structure 20).

Referring to claim 6: Notarianni discloses a power input (figure 3, structure 22).

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Referring to claim 7: Notarianni discloses the interface (figure 2, structure 32 and 35) produces numerous command signals, including command signals that operate functions that are not operated by command signals produced from the electronic device's controlling interface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2, 9-10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notarianni in view of Croft et al. (U.S. Patent No. 5,864,708).

Referring to claim 2: Notarianni discloses a case for an electronic device (figure 3, structure 30) comprising a first protective material (figure 3, structure 4) that maintains said electronic device within said case; at least one controlling interface (figure 3, structure 20), in electrical communication with said electronic device, and disposed on said first protective material, through which said user can operate an electronic feature of said electronic device.

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Notarianni does not explicitly disclose a wireless means. Croft teaches a docking station with wireless means (figure 1). Hence, it would have been obvious to one having ordinary skill in the computer art at the time Applicant made the invention to adapt Croft's teaching onto Notarianni because Croft teaches one to efficiently connect a portable electronic device and a dock, and to minimized or eliminate the mechanical connection (column 2, lines 21-23).

Referring to claim 9: Notarianni discloses the connection port (figure 3, structure 42), attached to said first protective material, for transferring electrical signals between said electronic device and said controlling interface.

Referring to claim 10: Notarianni discloses an electrical output jack (figure 3, structure 20).

Referring to claim 12: Notarianni discloses a power input (figure 3, structure 22).

Referring to claim 13: Notarianni discloses the interface (figure 3, structure 20) produces numerous command signals, including command signals that operate functions that are not operated by command signals produced from the electronic device's controlling interface.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notarianni in view of Cho (U.S. Patent No. 6,148,353).

Referring to claim 5: Notarianni does not explicitly disclose an audio output jack. Cho discloses that it is known to equip the dock with audio output (figures 1-3), which is the audio jack. Hence, it would have been obvious to one having ordinary skill in the computer art at the time Applicant made the invention to adapt Cho's teaching onto Notarianni because Cho teaches one to use the dock to expand the docked electronic device's audio functions.

Referring to claim 8: Cho discloses the speaker (figure 3).

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6. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notarianni in view of Croft, and in further view of Cho.

Referring to claims 11 and 14: Claims are rejected as the claims 2 and 10's arguments above; furthermore, Cho discloses the speaker. Hence, it would have been obvious to one having ordinary skill in the computer art at the time Applicant made the invention to adapt Cho's teaching onto Notarianni because Cho teaches one to use the dock to expand the docked electronic device's audio functions.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection as stated above.

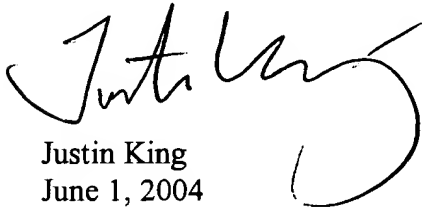
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 703-305-4571. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-308-3110. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin King
June 1, 2004



XUAN M. THAI
PRIMARY EXAMINER

TC2100